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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

AUG 13 2010

8 JAMES R LARSEN, CLERK  
9 DEPUTY  
YAKIMA, WASHINGTON

10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF WASHINGTON

12 JENNIFER PARKER, )  
13 a single person, )  
14 )  
15 Plaintiff, )  
16 )  
17 )  
18 vs. )  
19 )  
20 NCO FINANCIAL SYSTEMS )  
21 Inc., a debt collection agency; )  
22 )  
23 Defendant. )  
24 )  
25

NO. **CV-10-5096-RMP**

COMPLAINT FOR VIOLATION  
OF 15 USC 1692c(a)(1) AND  
RCW 19.86.020

26 COMES NOW Plaintiff-Jennifer Parker, by and through her attorney, Robert  
27 J. Reynolds, and alleges:

28 **PARTIES**

29 1.1 Plaintiff-Jennifer Parker (Parker) is a resident of Kennewick,  
30 Washington.

31 1.2 Defendant-NCO Financial Systems Inc. (NCO) is a debt collection  
32 agency doing business in Kennewick, Washington.

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**JURISDICTION**

2        2.1    Through this proceeding, Parker is alleging that NCO has violated the  
3 Fair Debt Collection Practices Act 15 U.S.C. § 1692. 15 U.S.C. § 1692k(d) grants  
4 jurisdiction over such cases, "[to] any appropriate United States district court,  
5 without regard to the amount in controversy..." 15 U.S.C. § 1692k(d). Thus, this  
6 Court has jurisdiction.

**BACKGROUND**

8        2.1    Between April 20, 2010 and April 29, 2010, Defendant-NCO called  
9 Plaintiff-Parker 49 times, 14 of which occurred before 7:30 in the morning.

10        2.2    Due to this harassment, Parker blocked the number from which these  
11 excessive phone calls originated.

12        2.3    On May 15, 2010 the harassing phone calls began again from NCO  
13 but on a different line and she received another 40 between that day and May 21,  
14 2010, 7 of which occurred before 7:30 AM.

15        2.4    The harassment is ongoing.

**CLAIMS**

17        3.1    NCO has violated 15 USC 1692c(a)(1) and RCW  
18 19.16.250(12) by communicating with Parker outside of the legally allowed  
19 timeframe which is between 8 AM and 9 PM for 15 USC 1692c(a)(1) and 7:30  
20 AM and 9PM for RCW 19.16.250(12).

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3.2 NCO has violated 15 USC 1692d(5) and RCW 19.16.250(12) by continually calling her with the intent to harass and annoy. RCW 19.16.250(12) states that calls are meant to harass or annoy if they occur more than three times in a week.

3.3 NCO has additionally violated RCW 19.86.020 through violating RCW 19.16.250 which is a per se violation of RCW 19.86.020. See RCW 19.16.440.

8       3.4    Due to NCO's harassment of Parker, Parker is entitled to a) statutory  
9       and actual damages arising from Defendant's violation of the FDCPA and unfair  
10      business practices, b) treble damages because the Defendant have acted in bad  
11      faith, c) a reasonable attorney's fee under 15 USC 1692k(a)(3) and RCW 19.86.090  
12      and d) injunctive relief forbidding NCO from attempting to collect charges for the  
13      account in question in the future.

## PRAYER FOR RELIEF

**WHEREFORE**, Plaintiff prays:

1. For Judgment against Defendants-NCO for the statutory damages which is \$1,000 per violation or \$21,000.

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1       2. For compensation for attorney fees incurred investigating the legality  
2 of NCO's behavior.

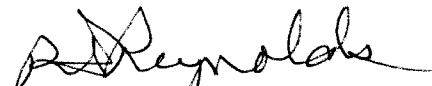
3       4. For damages cause by the intentional infliction of emotional distress.

4       5. For treble damages, pursuant to RCW 19.86.090, calculated off of the  
5 damages determined by the court.

6       6. For a reasonable attorney's fee as determined by the court pursuant to  
7 15 USC 1692k(a)(3) and RCW 19.86.090.

8       7. For an injunction against Defendant-NCO forbidding NCO from  
9 further attempts to collect on the account in question.

10      Dated this 21 day of June, 2010.

11  
12  
13        
14      Robert J. Reynolds WSBA #5796  
15      Attorney for Plaintiff

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